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# 1NC – Short Version

**The value is morality. Moral obligations are determined by the principles whose universal acceptance would make things go best. Derek Parfit writes:**

When we apply the Kantian Formula, we ask which principles each person could rationally choose, if this person supposed that he or she had the power to choose which principles would be accepted by everyone, both now and throughout the future. This formula appeals to the principles that, in these many imagined cases, everyone could rationally choose. We should assume that, in making these choices, everyone would know all of the relevant facts. On that assumption, as premise (B) claims, everyone could rationally choose what they would have sufficient reasons to choose. We are supposing that, as (C) claims, there is some set of principles that are UA-optimific. Of all the principles that everyone might accept, these [the optimific principles] are the principles whose universal acceptance would make things go best in the impartial-reason-implying sense. If everyone accepted these principles, things would go in the ways in which everyone would have the strongest impartial reasons to want things to go. That is true by definition. So, as premise (D) claims, these are the principles whose universal acceptance everyone would have the strongest impartial reasons to choose.

Everyone ought to have the same moral beliefs b/c everyone ought to have true moral beliefs. Since rational people ought to believe the truth, they should accept the principles that they could rationally will. Since conflicting beliefs cant both be true, everyone would rationally will the same principles. Those principles are the principles that would make things go best.

Thus standard is rule-consequentialism.

My principle is: It is wrong to use deadly force except in response to an imminent threat of fatal injury.

Kaufman writes: [[1]](#footnote-1)

The imminence rule, as we have seen, is a crucial, independent restriction on the individual right to resort to violence against others, especially deadly violence. The first task of the state is the control of violence, and the restriction of individual violence to cases of genuine emergency when there is no recourse to state protection is crucial to establishing this monopoly on violence. Civil life is, as Pufendorf warned, “too fragile to allow each man to exact what he believes to be his due by violent self-help.”86 Moreover, it is an essential element of the rule of law that each person—even batterers—have a right to due process of law, especially when their lives are at stake. If the rules of self-defense permit an exception to this principle in the case of imminent danger, it is an exception that is best kept to an absolute minimum. As Joshua Dressler cautions, “we should hesitate long and hard before we promote a criminal defence that categorically justifies the taking of life before it is immediately necessary.”87 Before we proceed with any modification (let alone elimination) of the imminence restriction, we had better consider very carefully the implications of such a radical change in the long-established and highly effective principles controlling the private resort to violence.

The imminence rule produces the best consequences because its key to maintaining the rule of law, the state’s monopoly on violence, and unnecessary killings. If everyone accepted the imminence rule, there would be fewer unnecessary killings because people would be less likely to kill suspected dangers without evidence.

Deadly force in response to repeated domestic violence in non-confrontational situations does not meet the imminence rule. Kaufman:

Whitley R.P. Kaufman, [Department of Philosophy at University of Massachusetts Lowell], “Self-Defense, Imminence, and the Battered Woman”, New Criminal Law Review, Volume 10, 2007. RK

It is the nonconfrontational cases in particular that have received special attention, even though these constitute only a tiny percentage of the cases in which battered women kill their abusers.**11 In such cases**, the woman attacks her abuser while he is not currently threatening her, indeed some- times when he is asleep or unconscious. In a case where a woman kills her sleeping husband, the imminence standard arguably cannot be satisfied as a matter of law: as Richard Rosen suggests, “the threat of death or great bodily harm was not imminent when [she] shot her husband, not, at least, by any reasonable interpretation of the word imminent.”12 But the same problem arises in all nonconfrontational cases, albeit not quite as dramatically. Hence a woman may be precluded from asserting self-defense solely on the grounds of the imminence rule, even if she satisfies all the other requirements of self-defense, including the necessity for the use of force. This apparent paradox—how can force be necessary if the threat is not imminent?—has puzzled many a commentator. But in fact it is no paradox at all: indeed, the very situation is illustrated by the case of Judy Norman.

# \*\*Framework Extensions\*\*

# Guide to Action

Ought implies can, that is we can only be morally obligated to do what is possible. Only rule-consequentialism guides action.

Brad Hooker "Rule-Consequentialism and Demandingness: A Reply to Carson" JSTOR. Oxford University Press 1991. FD

**Most of us share the intuitions that morality requires us to make some sacrifices for the world’s needy, and that it does not require us to impoverish ourselves for this purpose** (although devoting all one’s time and money to helping the needy may be permissible and commendable. Finding a moral theory that does justice to these intuitions is difficult. But consider **rule-consequentism, the theory that an act is morally right if and only if it is allowed by the set of rules [that]** and corresponding dispositions the having of which by everyone **would bring about the best cosnequences considered impartially**. **Rule-consequentialism** initially **seems to prescribe a rule about aid that requires the comfortably off to help the needy but does not make excessively severe demands**. For if every comfortably off person would devote some fairly small percentage of his or her income to helping the needy, none would have to make an enormous sacrifice. However, Thomas Carson’s “A Note on Hooker’s Rule-Consequentilaism” puts forward important arguments for thinkngi that rule consequentialism may be far more demanding than this sketch implies.

# Coherence with our Beliefs

Moral theories ought to cohere with our convictions. --- that is the starting place of morality.

Brad Hooker “Ideal Code, Real World: A Rule-Consequentialist Theory of Morality” Oxford University Press. FD

**We should evaluate rival moral theories in terms of their ability to cohere with the convictions in which we have the most confidence after due reflection**. How a moral view would look from the perspective of evaluative beliefs in which we have little or no confidence could not matter as much to us as whether the moral view is consistent wit the moral beliefs in which we have the most confidence after due reflection. As frank jacksion (1998: 135 writes, “**We must start from somewhere in current folk moraliy, otherwise we start from somewhere unintuitive, and that can hardly be a good place to start**.

Prefer mine b/c its crucial to convergence --- universal consensus that we should start from our convictions.

Brad Hooker “Ideal Code, Real World: A Rule-Consequentialist Theory of Morality” Oxford University Press. FD

**Noncognitivists** in ethics **believe that moral convictions are not** really **beliefs but instead sentiments** or commitments. **Some other philosophers accept that moral convictions are beliefs, but think these beliefs are never literally true.** **Yet most contemporary moral philosophers --- no matter what their views on the metaphysics, epistemology, and language of morals – apply the same reflective-equilibirum methodology in normative ethics.** **In the case of noncognitivsits, the search is for a reflective equilibrium between the moral attitudes at different levels of generality**, at least some of these attitudes are held on a non-inferentialbasis. In according weight to the non-inferentially based attitudes, but then searching for a coherent set, noncogntivist ethiciists look very like cognitive ethicists.

Moral convictions mandate that absent special circumstances, you give greater weight to the welfare of people you know.

Brad Hooker “Ideal Code, Real World: A Rule-Consequentialist Theory of Morality” Oxford University Press. FD

**Most of us confidently agree morality can require us to help others, even if we have no special connection to them**. suppose that, with no cost to yourself, you could save thousands of innocent people from some horrible fate. Perhaps, in order to warn them of an approaching danger, all you do is push a nearby button. If you do not warn them, they will suffer and die. If you do warn them, they will escape the approaching danger. **Obviously, when you can save many innocent people at no cost to yourself or to others, morality requires you to save them**. Morality does not stop here, helping the needy can be morally required, even if it does involve self-sacrifice. People who are not in need ought to be prepared to make some self-sacrifice to help those who are. Yet **morality does not require you to be constantly making huge self sacrifices for the sake of other people to whom you have no specila connection**. So much altruism is admirable, even saintly. But most of us believe that stopping short of sainthood is morally permissible. **Most uf also believe that we owe more altruism to certain people than to others**. Other things being roughly equal, **your allocation of your own resources should favour** your own parent, or child, or friend, or **those to whom you have a debt of gratitude over those who do not have any** special **relationship** with you. If you could give a painkiller either to your own child or to a stranger suffering the same amount or even a little more, you should give it to your child. Sometimes other things aren’t even roughly equal. You may have already promised the painkillerto the stranger. Or your parent or child may have waged war on you. Or you may be making decisions while occupying a professional role that demands absolute impartiality. For example, a nurse deciding whom to give the remaining medicine to is not morally or legally allowed to give her own friends or family specila consideration. The same is true of a judge making decisions in court, a policewoman making deicison on duty, and a civil servant awarding government contracts. This sort of role-based obligation to ignore personal relationships arises from the fact that the agent in that role is allocating resources (money, services, whatever which do not belong to that agent. Nevertheless, **most of us believe that, with respect to your own resources and absent special circumstances, your reasoning about what to do should give greater weight to the welfare of those who stand in special relationships to you**.

Rule consequentialism coheres because it is impartial and consistent with our moral convictions.

Brad Hooker “Ideal Code, Real World: A Rule-Consequentialist Theory of Morality” Oxford University Press. FD

Does rule consequentialism accord with the convictions we share about moral permissibility and requirement? **Rule consequentialism** selects rules on the basis of expected value, impartially calculated. Thus the theory **is clearly impartial at the elevel of rule selection**. As I shall argue later, **the impartial assessment of rules will favour rules that** (a **allow partilatiy, within limits, towards self** and (b rquire partiality, within limits, towards family, friends ,etc. this partiality towards self and loved ones will then e allowed to guide a great number of people’s day to day decisions (not all, of course]. Therefore, **while rule consequentialism is purely impartial at the foundational level hwere a code is selected, the code thus selected makes demands on action that are** moderate and **intuitively plausible**. Rule-consequentialism is fundamentally impartial, but not implausabily demanding. **Rule-cosnequntialism also accords with common moral beliefs about what we are prohibited from doing to others**. As I observed, **most of us believe morality prohibitis physically attacking innocent people, taking or harming the possessions of others**, breaking our promises, telling lies, and so on. **Rule-consequentialism endoreses prohibitions on these kinds of act, since on the whole the consequenices, considered impartially, will be far better if such prohibitions are widely accepted**. [in chapter 6, I argue that rule-consequetnialism’s implications concerning prohibitions and special duties are plausible].

# Rational Agreement

Everyone ought to follow moral principles that everyone else can rationally share. Parfit:

We can plausibly assume that everyone ought to have the same moral beliefs. If people have conflicting beliefs, for example, these beliefs cannot all be true, and we can assume that everyone ought to have, or try to have, true moral beliefs.

Therefore, if we could not rationally will it to be true that everyone believes some kind of act to be permitted, this fact would show such acts to be wrong. Rational agreement makes moral beliefs true.

Only rule-consequentialism solves b/c it requires universally accepted principles, producing the best consequences.

# AT Rule-Consequentialism collapses to Act Consequentialism

# \*\*Frontlines\*\*

# AT Non-confrontational is imminent

All their warrants speak to the victims perspective based on their psychological conditions --- that’s an excuse not a justification.

Situations in which the agent killed because of psychological conditions count as excuse, not justification. **Morse**[[2]](#footnote-2)**:**

Consideration of psychological self-defense raised by a battered spouse demonstrates clearly that the claim is an excuse and not a justification. Rather than occurring instantaneously, the threat of extinction of self in a battering relationship is the result of a continuous cyclical process of degradation and misery. Considerable time elapses before a credible claim of sufficiently severe extinction of self could be raised to justify killing in psychological self-defense. If the defendant is a responsible person, the claim could not be justified because she had the alternative of leaving the relationship. It is clearly socially preferable for her to leave the relationship rather than to kill when she is not in immediate danger of death or serious bodily harm. If psychopathology or some other form of psychological abnormality for which she is not responsible led her to believe that she lacked the power to leave a battering relationship, then she is not a fully responsible person. Moreover, as shown just above, at the time the SEV actually kills, either the killing is not a rational act or she is generally irrational if killing is the only means of saving her self. Killing may be the only way out at some point, but the killer hardly reached that stage rationally and responsibly. We may ultimately exonerate the battered woman for killing her spouse, but not because there was no reasonable alternative and it was the right thing to do.

An action is justified if it is the right things to do; an action is excused if it was wrong but the actor is not blameworthy. Morse:

Stephen J. Morse, [Professor of Psychology and Law in Psychiatry at Pennsylvania Law School], “The Misbegotten Marriage of Soft Psychology and Bad Law: Psychological Self-Defense as a Justification for Homicide”, Law and Human Behavior, Vol. 14, No. 6 (Dec., 1990), pp. 595-618. RK

The distinction between defenses of justification and excuse is sometimes hazy, but the polar cases can be stated with reasonable clarity. Otherwise unlawful behavior is justified if it causes the lesser evil under the circumstances. For example, an actor may intentionally burn a farm, thus creating a firebreak, for the purpose of preventing an advancing forest fire from consuming a whole town: Arson is justified because the loss of the single farm is the lesser evil than the loss of the town. There is nothing wrong with the justified actor; he or she is a fully responsible person. But faced with regrettable circumstances for which the actor is not responsible, causing another wise prohibited harm is socially desirable if it will prevent a greater harm. In short, justified conduct is the right thing to do. By contrast, conduct is excused if the harm caused is wrongful and thus not socially desirable under the circumstances, but the actor is not fully responsible for his or her conduct. For example, a severely mentally disordered person who kills in response to paranoid delusions and command hallucinations may raise the defense of legal insanity and be excused for killing an innocent victim.

If an action is excused, it is not permissible. Reitan:

Eric Reitan, [Professor of Philosophy at Oklahoma University], “The moral justification of violence: epistemic considerations**”,** Social Theory and Practice, July, 2002. RK

Traditionally, **we distinguish between the moral justification of violent acts and their excuse. To say that an action is morally justified**, as discussed above, **is to say either that the act is morally permissible** (despite the prima facie case against it) **or that one can reasonably believe that it is morally permissible. To say that an act is excused is not to make any claim to the effect that the act is morally permissible. Rather, it is to say that the agent is blameless** (fully excused) **or less than fully blameworthy** (partially excused) **for performing an action whose moral impermissibility is uncontested.** The paradigmatic case for fully excusing (but not justifying) impermissible behavior is non-culpable ignorance of relevant circumstances. Thus, for example, when Vitoria rejects the possibility of both sides in a war being just, he qualifies this response in the following way:

# AT Aff is confrontational

Severance is bad

You conceded in CX that you will only defend non-confrontational homicides. This is severance from the original aff advocacy --- voting issue.

A] Advocacy skills – severance incentivizes flawed advocacies --- debaters don’t have to defend their arguments against a litanty of counterarguments and arrive at an optimal decision .

B] ground --- destroys neg ground and you can solve the link to every disad.

# AT Subjective necessity comes first

1] Imminence rule is a prerequisite when it comes to universal acceptance to a rule --- if everyone accepted imminence, there would be fewer unnecessary killings because people would be less likely to kill suspected dangers without evidence.

# rule coneq

Rule-consequentialism may agree with Rossian pluralism in endorsing rules against physically attacking the innocent, stealing, promise breaking, and rules requiring various kinds of loyalty and more generally doing good for others. But rule-consequentialism goes beyond Rossian pluralism by specifying an underlying unifying principle that provides impartial justification for such rules. Other moral theories try to do this too. Such theories include some forms of Kantianism (Audi 2001; 2004), some forms of contractualism (Scanlon 1998), and some forms of virtue ethics (Hursthouse 1999; 2002; Foot 2000). In any case, the first way of arguing for rule-consequentialism is to argue that it specifies an underlying principle that provides impartial justification for intuitively plausible moral rules, and that no rival theory does this as well (Urmson 1953; Brandt 1967; Hospers 1972; Hooker 2000).

This first way of arguing for rule-consequentialism might be seen as drawing on the idea that a theory is better justified to us to the extent that it increases coherence within our beliefs (Rawls 1951; 1971, pp. 19–21, 46–51; DePaul 1987; Ebertz 1993; Sayre-McCord 1986; 1996). [See the entry on [coherentist theories of epistemic justification](http://plato.stanford.edu/entries/justep-coherence/).] But the approach might also be seen as moderately foundationalist in that it begins with a set of beliefs (in various moral rules) to which it assigns independent credibility though not infallibility (Audi 1996; 2004; Crisp 2000). [See the entry on [foundationalist theories of epistemic justification](http://plato.stanford.edu/entries/justep-foundational/).] Admittedly, coherence with our moral beliefs does not make a moral theory *true*, since our moral beliefs might of course be mistaken. Nevertheless, if a moral theory fails significantly to cohere with our moral beliefs, this undermines the theory's ability to be justified to us.

# link to consequentialism

Rule consequentialism comes before act consequentialism --- it produces better widesperead good

The second way of arguing for rule-consequentialism is very different. It starts from a commitment to consequentialist assessment, and then argues that assessing acts indirectly, e.g., by focusing on the consequences of communal acceptance of rules, will in fact produce better consequences than assessing acts directly in terms of their own consequences (Austin 1832; Brandt 1963; 1979; Harsanyi 1982, pp. 58–60; 1993; Riley 2000). After all, making decisions about what to do is the main point of moral assessment of acts. So if a way of morally assessing acts is likely to lead to bad decisions, or more generally lead to bad consequences, then, according to a consequentialist point of view, so much the worse for that way of assessing acts.

Earlier we saw that all consequentialists now accept that assessing each act individually by its expected value is a terrible procedure for making moral decisions. There is widespread acknowledgement that agents should decide how to act by appeal to certain rules such as “don't physically attack others”, “don't steal”, “don't break your promises”, “pay special attention to the needs of your family and friends”, and “be generally helpful to others”. And these are the rules that rule-consequentialism endorses.

1. Whitley R.P. Kaufman, [Department of Philosophy at University of Massachusetts Lowell], “Self-Defense, Imminence, and the Battered Woman”, New Criminal Law Review, Volume 10, 2007. RK [↑](#footnote-ref-1)
2. Stephen J. Morse, [Professor of Psychology and Law in Psychiatry at Pennsylvania Law School], “The Misbegotten Marriage of Soft Psychology and Bad Law: Psychological Self-Defense as a Justification for Homicide”, Law and Human Behavior, Vol. 14, No. 6 (Dec., 1990), pp. 595-618. RK [↑](#footnote-ref-2)